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09/731,626	12/07/2000	Robert P. Lewandowski	AUS9-2000-0555-US1	1066

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/731,626

Applicant(s)

LEWANDOWSKI, ROBERT P.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,18-22,24-31 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,18-22,24-31 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Non-Final Office action is responsive to Applicant's amendment filed October 21, 2004.

Claims 1, 18, 24, and 41 have been amended.

Claims 1-8, 18-22, 24-31, and 41 are pending.

2. The previously pending claim objections are withdrawn in response to Applicant's claim amendments.

The previously pending rejection under 35 U.S.C. § 101 is withdrawn in response to Applicant's claim amendments.

3. The declaration filed on October 21, 2004 under 37 CFR 1.131 is sufficient to overcome the Phung reference, thereby obviating the previously pending art rejection. A new art rejection follows.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-5, 24-28, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Flicker, Jr. (U.S. Patent No. 6,101,433).

Flicker discloses a method in a data processing system for processing a physical transaction, the method comprising the data processing system implemented steps of:

[Claim 1] receiving data structures containing information about the physical transactions from a plurality of entities performing the physical transactions, wherein the data structures include information about the physical transactions (col. 4, lines 33-51; col. 6, lines 6-13; col. 13, lines 5-7, 21-31 -- Various maintenance technicians are assigned work orders and enter maintenance information regarding completion of the work orders);

updating a database of physical transactions in response to receiving the data structures to form an updated database (col. 13, lines 26-31); and

analyzing the updated database using the data processing system to generate statistics about the physical transactions (col. 2, lines 59-62; col. 4, lines 33-51; col. 13, lines 11-20, 30-31);

[Claim 2] analyzing the statistics to generate projections about future physical transactions (col. 2, lines 59-62; col. 4, lines 33-51; col. 13, lines 11-20, 30-31 -- Scheduled maintenance to be performed is an example of a future physical transaction);

[Claim 3] wherein the physical transactions involved automotive services (col. 2, lines 59-62; col. 4, lines 33-51; col. 6, lines 6-13; col. 13, lines 5-7, 11-20, 21-31);

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[Claim 4] wherein the information includes an item in the physical transaction (col. 4, lines 33-51; col. 13, lines 21-31 -- Details regarding completed maintenance are entered by the maintenance technicians);

[Claim 5] wherein the information includes an identification of a vehicle in the transaction (col. 13, lines 11-16, 32-39 -- Data specifically regarding each vehicle in a fleet is tracked).

[Claims 24-28] Claims 24-28 recite limitations already addressed by the rejection of claims 1-5 above; therefore, the same rejection applies.

[Claim 41] Claim 41 recites limitations already addressed by the rejection of claims 1-5 above; therefore, the same rejection applies.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8, 18-22, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flicker, Jr. (U.S. Patent No. 6,101,433), as applied to claims 1, 3, 24, and 26 above.

[Claims 6, 29] As discussed above, Flicker discloses the analysis of statistics relating to various automotive services, yet Flicker does not expressly provide

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automotive service examples including at least one of an oil change, a tune-up, body work on a vehicle, or an alignment. However, Official Notice is taken that it is old and well-known in the art of automobile maintenance/repair that an oil change, a tune-up, body work, and an alignment all are well-known types of automotive services performed on vehicles. Flicker's invention provides maintenance technicians with means for more effectively maintaining and servicing a fleet of vehicles. Flicker also allows for the tracking of vehicle-related costs. In order to extend the life of a vehicle, regular oil changes, tune-ups, and alignments are a must. Body work may also be required in the case of an accident, paint imperfection, etc. in order to maintain the integrity of a vehicle. Since Flicker is directed toward facilitating effective maintenance of a fleet of vehicles, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Flicker to gather automobile data related to oil changes, tune-ups, body work, and/or alignments in order to further assist maintenance technicians in more successfully completing these particular services as needed, thereby extending the life of the vehicles in the fleet.

[Claims 7, 30] Flicker does not expressly teach that the plurality of entities (e.g., the maintenance technicians) are located in different geographic locations. However, Flicker is adapted to record a maintenance history for each vehicle in a fleet. A touch memory located onboard each vehicle is used to store maintenance information (col. 2, lines 39-40), which is then downloaded to a central computer; therefore, the maintenance input means used in conjunction with the memory can be utilized at different geographic locations. Furthermore, Official Notice is taken that it is old and

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well-known in the art of vehicle maintenance to perform various types of service on a vehicle. These service stations are often located in different geographic locations (e.g., a tune-up may be performed in a distinct location from body work, an oil change, or an alignment), especially when different tools are needed to complete each type of maintenance. Flicker's various maintenance technicians can enter data regarding completed maintenance; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Flicker to accept maintenance information from a plurality of entities (e.g., the maintenance technicians) located in different geographic locations in order to facilitate the gathering of information regarding various types of maintenance services, especially those that are performed in different locations (e.g., due to differing tool needs depending on the particular job).

[Claims 8, 31] Flicker's communications are conducted via a "communication link between a touch memory button reader inserted therein [at a downloading station] and the central computer" (col. 2, lines 64-65). Flicker does not expressly disclose that the data structures are received using one of electronic mail messages, a floppy disc, or CD-ROM. However, Official Notice is taken that it is old and well-known in the art of communications to download data to a central computer via one of electronic mail messages, a floppy disc, or CD-ROM. Electronic mail messages are useful for transmitting small to medium amounts of data remotely while floppy discs and CD-ROMs are especially useful for transmitting medium to larger amounts of data. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill

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in the art at the time of Applicant's invention to adapt Flicker's central computer to receive maintenance data via one of electronic mail messages, a floppy disc, or CD-ROM in order to provide a user with the versatility of transmitting varying amounts of information and, optionally, from remote locations. This versatility is especially useful for fleet maintenance, particular when a fleet is large (and consequently associated with large amounts of maintenance data) and the vehicles within the fleet are dispersed throughout a geographic region.

[Claims 18-22]      Claims 18-22 recite limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

Additionally, as per claims 18-22, Flicker's communications are conducted via a "communication link between a touch memory button reader inserted therein [at a downloading station] and the central computer" (col. 2, lines 64-65). "The downloading station is connected to the standard RS232 serial port of the central computer." (col. 2, lines 65-67) Flicker's communications system does not expressly utilize a bus system (including a single bus system or a primary bus and secondary bus system) nor does Flicker expressly teach that the processing unit includes a plurality of processes or that the communications unit is one of a modem and Ethernet adapter. However, Official Notice is taken that it is old and well-known in the art of communications to transmit data globally to a central computer via the Internet. Furthermore, modems and Ethernet adapters are commonly used to enable Internet communications. Inherent to global networks (such as the Internet) are multiple buses and processors. Depending on how one characterizes the bus system, it may be viewed generally as a single bus on some

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microscopic level or as a primary and secondary bus on a more macroscopic level. Use of the Internet (including modems and Ethernet adapters) promotes quick and efficient communications among remotely located entities. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Flicker's central computer to receive maintenance data via a global network, such as the Internet, which utilizes a bus system (including a single bus system or a primary bus and secondary bus system), a plurality of processes, and one of a modem and Ethernet adapter in order to facilitate communications among the central computer and remotely located maintenance technicians. This capability is especially useful for fleet maintenance, particular when a fleet is large (and consequently associated with large amounts of maintenance data) and the vehicles within the fleet as well as the maintenance technicians are dispersed throughout a geographic region.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Susanna Diaz*

**SUSANNA M. DIAZ  
PRIMARY EXAMINER**

*AU 3623*

*1/6/05*